



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,893	06/20/2000	Jean-Rene' Lequepeys	034299-259	5767

Thelen Reid & Priest LLP
P O Box 640640
San Jose, CA 95164-0640

EXAMINER

MUNOZ, GUILLERMO

ART UNIT	PAPER NUMBER
----------	--------------

2634

DATE MAILED: 12/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

.09/595,893

Applicant(s)

LEQUEPEYS ET AL.

Examiner

Guillermo Munoz

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5-9,12,13, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bottomley et al. (WO 96 05668 A).

Regarding claim 1, Bottomley et al. teach all the claimed subject matter “at transmission...reproduce the transmitted data” in claim 1 as follows. MOK data modulation is a well known technique where one basic spreading function, such as a PN sequence is modified by a certain other function, such as a Walsh function. Bottomley et al. teach a system for blocking information data and spreading the blocked data using spreader 52. Further, Bottomley et al. teach further masking the generated codeword upon transmission (page 17, lines 5-13). Bottomley et al. teach combining the generated masked codeword into a serial bit stream for transmission (page 21, lines 9-23).

Regarding claim 2, Bottomley et al. further teach the claimed subject matter, note page 5, lines 16-19 and page 19, line 27- page 20, line 4.

Regarding claim 5, Bottomley et al. further teach the claimed subject matter, note page 17, lines 5-8.

Regarding claim 6, Bottomley et al. further teach the claimed subject matter, note page 10, line 10-11.

Art Unit: 2634

Regarding claim 7, Bottomley et al. further teach the claimed subject matter, note page 10, lines 5-14.

Regarding claim 8, further teach the claimed subject matter, note figure 4.

Regarding claim 9, see claim 2.

Regarding claim 12, Bottomley et al. further teach the claimed subject matter, note figure

2.

Regarding claim 13, see claim 2.

Regarding claim 16, see claim 5.

Regarding claim 17, see claim 6.

Regarding claim 18, see claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottomley et al. in view of Cafarella et al. (US Patent Number 6,473,449 B1).

Bottomley et al. disclose all the claimed subject matter claimed, see claim 1, except their complex transmission channel is not phase modulated.

Cafarella et al. teach the use of supplemental forms of modulation methods for the purpose of increasing the data rate achievable such as phase shift keying.

Art Unit: 2634

Therefore, it would have been obvious to one having ordinary skill in the art to modify the communication system of Bottomley et al. with Cafarella et al.'s teaching of phase shift keying, since Cafarella et al. suggest in column 8, lines 8-18 that the result of this would increase the data throughput rate.

Regarding claim 4, Cafarella et al. further teach the claimed subject matter, note column 8, lines 8-18.

Regarding claim 10, see claim 3.

Regarding claim 11, see claim 4.

Regarding claim 14, see claim 3.

Regarding claim 15, see claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Munoz whose telephone number is 703-305-4224. The examiner can normally be reached on Monday-Friday 8:30a.m-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



GM
November 21, 2003



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600